

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

R.B.

Plaintiff,

v.

JENNIFER M. SMITH, ET AL.
Defendants.

Case No. 4:19-cv-03004

Judge David Hittner

PARTIES' JOINT NOTICE AND
REQUEST FOR CONTINUANCE
OF AUGUST 21, 2019 HEARING

This matter came before the Court on Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction and Plaintiff's Motion for Expedited Discovery.

Plaintiff R.B. initiated this action for declaratory judgment and injunctive relief on August 12, 2019 against Defendants. Defendants are employed by Texas A&M University and are collectively referred to as "TAMU" for purposes of this notice and stipulation. The Plaintiff alleges that TAMU is seeking to impose discipline in violation of the Due Process guarantees of the United States Constitution. TAMU denies these allegations.

The Plaintiffs and TAMU, have conferred and agree that the *status quo* pending the resolution of the administrative process at Texas A&M. The parties agree and stipulate to the following:

1. The hearing on scheduled for August 21, 2019 should be vacated (Doc. #12).
2. TAMU will not impose any disciplinary sanctions against Plaintiff related to the alleged sexual misconduct described in this Complaint until ten days after the administrative process at TAMU has been fully and finally resolved, *i.e.*, until all internal appeals have been resolved and no further appeals may be taken. Accordingly, Plaintiff may enroll in classes and participate in curricular and extra-curricular activities as a student in good standing until ten days after the administrative process at TAMU has been fully and finally resolved.

3. Plaintiff shall not initiate, directly or indirectly, any contact with the complainants identified in the Complaint.
4. All briefing on the Motion for a Preliminary Injunction (Doc. #3) is stayed. Defendants will submit a Notice to the Court immediately following the completion of the administrative process indicating whether any discipline will be imposed on Plaintiff. Should TAMU, after the completion of the all administrative appeals, still seek to impose discipline on Plaintiff related to the alleged sexual misconduct described in this Complaint, Plaintiff may seek a hearing date from the Court for the Motion for a Temporary Restraining Order and Preliminary Injunction.
5. The parties submit an agreed proposed Protective Order and Order on Expedited Discovery, attached hereto as exhibits, and respectfully request entry.

Respectfully submitted.

/s/ Joshua Engel (w/ permission by H. Carl Myers)

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